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2005 JAN -6 PM 2:09
H. LaDon Baltimore
T.R.A. DOCKET ROOM

January 6, 2005

Honorable Pat Miller, Chairman
Tennessee Regulatory Authority
ATTN: Sharla Dillon, Dockets
460 James Robertson Parkway
Nashville, TN 37243-5015

RE: Joint Petition for Arbitration of an Interconnection Agreement with BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the Communications Act of 1934, as Amended; Tennessee Regulatory Authority Docket No. 04-00046

Dear Chairman Miller:

On behalf of Joint Petitioners, NewSouth Communications Corp., NuVox Communications, Inc., KMC Telecom V, Inc., KMC III, LLC, and Xspedius Communications, LLC on behalf of its operating subsidiaries, Xspedius Management Company, and Switched Services, LLC, and pursuant to the Authority's Order of January 4, 2005, enclosed please find the entirety of Joint Petitioners' responses to BellSouth's requests for production in this arbitration.

Please note, the following documents have been marked confidential and have been produced under the protective agreement executed between the parties:

KMC0003-34
NVX000001-4; 000026-37; 000079-81
NSC/NVX000003; 000076-81
XSP000090-91

Joint Petitioners have filed these documents under seal.

If you have questions, please do not hesitate to contact me.

Sincerely,

H. LaDon Baltimore/dcg

H. LaDon Baltimore

LDB/dcg

Enclosures

cc: Guy Hicks, Esq.
John Heitmann, Esq.

**BEFORE THE
NORTH CAROLINA UTILITIES COMMISSION**

**Docket No. P-772, Sub 8
Docket No. P-913, Sub 5
Docket No. P-989, Sub 3
Docket No. P-824, Sub 6
Docket No. P-1202, Sub 4**

FILED

JUN 22 2004

Clerk's Office
N C Utilities Commission

In the Matter of)	JOINT PETITIONERS' OBJECTIONS TO BELLSOUTH TELECOMMUNICATIONS, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION
Joint Petition NewSouth Communications)	
Corp. et al for Arbitration with)	
BellSouth Telecommunications, Inc.)	

NewSouth Communications Corp. ("NewSouth"), NuVox Communications, Inc. ("NuVox"), KMC Telecom V, Inc. and KMC Telecom III, LLC (collectively "KMC"), and Xspedius Communications, LLC ("Xspedius"), collectively the "Joint Petitioners, by and through their attorneys, hereby object to the First Set of Requests for Production propounded by BellSouth Telecommunications, Inc. ("BellSouth"). In support thereof, Joint Petitioners state the following:

GENERAL OBJECTIONS

1. Joint Petitioners object to each and every Request to the extent that it seeks production of information that is protected from disclosure by the attorney work product privilege, attorney-client communication privilege, or other applicable privilege.
2. Joint Petitioners object to each and every Request to the extent that it seeks production of information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

3. Joint Petitioners object to each and every Request to the extent that it is vague, overly broad, or contains undefined terms susceptible to multiple meanings.
4. Joint Petitioners object to each and every Request to the extent that it seeks production of information that is a matter of public record, for example, documents that have been filed with a government agency.
5. Joint Petitioners object to each and every Request to the extent that it seeks production of information that is in the possession, custody, or control of BellSouth.
6. Joint Petitioners object to each and every Request to the extent that it seeks production of information that is not in the possession, custody, or control of the Joint Petitioners.
7. Joint Petitioners object to each and every Request on the ground that they seek information for an indeterminate period of time and is thus overly broad and unduly burdensome. Joint Petitioners will provide non-privileged information that is responsive to the issue to which the Request responds.
8. Joint Petitioners object to each and every Request to the extent that it imposes a burden of discovery not required in the Rules of Civil Procedure.
9. Joint Petitioners object to each and every Request to the extent that it is unduly burdensome, expensive, or oppressive to respond as presently written, particularly where an Request seeks information regarding "all" instances or examples.

10. Joint Petitioners' subsequent responses to BellSouth's Interrogatories shall not be deemed an admission as to the relevance or materiality of any of the information sought therein. As discovery is ongoing in this matter, Joint Petitioners reserve the right to supplement and update these responses.

SPECIFIC OBJECTIONS

1. Please produce all documents that you reference, describe or identify in responding to BellSouth's First Set of Interrogatories.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners further object to the extent that this item is additive, duplicative, and thus intended to harass or vex. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

2. Please produce all documents that support, refer, relate, or pertain to your statement on Page 15 of the Testimony that "BellSouth's proposed language is designed to provide it with the opportunity to, in effect, hold newly adopted rate amendments hostage, and allow BellSouth to delay the implementation of an approved rate to the extent that the Commission's decision is unfavorable to it."

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, work product doctrine, or other applicable privilege. The testimony to which this item refers expresses the opinion of policy witnesses. Joint Petitioners note that in this request BellSouth references testimony not found on the page number cited by the request and, therefore, Joint Petitioners object to the extent that the item is confusing and imprecise. On the basis of these objections, Joint Petitioners will not produce any documents.

3. Please produce all documents that support, refer, relate, or pertain to your statement on Page 21 of the Testimony that “this is a restrictive definition designed to serve some undisclosed BellSouth motive.”

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, work product doctrine, or other applicable privilege. The testimony to which this item refers expresses the opinion of policy witnesses. On the basis of these objections, Joint Petitioners will not produce any documents.

4. Please produce all documents that support, refer, relate, or pertain to your statement on Page 22 of the Testimony that “[f]or example, under BellSouth’s proposed definition of “End User,” it is arguable that certain types of CLP customers, such as Internet Service Providers (“ISPs”), might not be considered to be ‘End Users.’”

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, work product doctrine, or other applicable privilege. The testimony to which this item refers expresses the opinion of policy witnesses. On the basis of these objections, Joint Petitioners will not produce any documents.

5. Please produce all documents that support, refer, relate, or pertain to your statement on Page 25 of the Testimony that “[c]ertain traffic passed to NewSouth by BellSouth over our Supergroups with a ‘0 CIC’ would likely result in unbillable and uncollectible revenues.”

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor

reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

6. Regarding Issue No. G-4, please produce all telecommunications interconnection agreements that contain a provision that is identical or similar to the provision you are requesting the Commission adopt in this proceeding.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving these objections, Joint Petitioners state that they will produce interconnection agreements to which they are a party, if any, responsive to the specific Requests herein to the extent required by applicable law.

7. Regarding Issue No. G-4, please produce all contracts or tariffs that you have with your customers, end users, vendors, or other third-parties that contain a provision that is identical or similar to the provision you are requesting the Commission adopt in this proceeding.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to this item on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The terms and conditions of Joint Petitioners' service contracts are not relevant to issue G-4. On the basis of these objections, Joint Petitioners will not produce any documents.

8. Please produce all documents that support, refer, relate, or pertain to your statement on Pages 28 of the Testimony that "the standard liability-cap formulations - starting from a minimum (in some of the more conservative contexts such as government procurements, construction and similar matters) of 15% to 30% of the total revenues actually collected or otherwise provided for over the entire term of the relevant contract - more universally appearing in commercial contracts."

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, work product doctrine, or other applicable privilege. The testimony to which this item refers expresses the opinion of policy witnesses. On the basis of these objections, Joint Petitioners will not produce any documents.

9. Please produce all documents that support, refer, relate, or pertain to your statement on Page 28 of the Testimony that “[t]he Petitioners’ proposed risk-vs.-revenue trade off has long been a staple of commercial transactions across all business sectors, including regulated industries such as electric power, natural resources and public procurements and is reasonable in telecommunications service contracts as well.”

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, work product doctrine, or other applicable privilege. The testimony to which this item refers expresses the opinion of policy witnesses. On the basis of these objections, Joint Petitioners will not produce any documents.

10. Please produce all documents that support, refer, relate, or pertain to your statement on Page 29 of the Testimony that “[i]n my experience, it is a common-sense and universally-acknowledged principle of contract law that a party is not required to pay for non-performance or improper performance by the other party.”

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, work product doctrine, or other

applicable privilege. The testimony to which this item refers expresses the opinion of policy witnesses. On the basis of these objections, Joint Petitioners will not produce any documents.

11. Please produce all documents that support, refer, relate, or pertain to your statement on Page 29 of the Testimony that "a breach in the performance of services results in losses that are greater than their wholesale costs"

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

12. Please produce all documents that support, refer, relate, or pertain to your statements on Page 29 of the Testimony that "losses will ordinarily cost a carrier far more in terms of direct liabilities vis-à-vis those of their customers who are relying on properly-performed services under this Agreement, not to mention the broader economic losses to these carriers' customer relationships as a likely consequence of any such breach."

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

13. Please produce all documents that support, refer, relate, or pertain to the loss of any end user or customer as a result of any alleged breach of performance by BellSouth.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object

to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

14. Regarding Issue No. G-5, please produce all of your tariffs and/or end user contracts that do not contain any limitation of liability language.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object to this Request on the ground that Joint Petitioners' tariffs are a matter of public record that is easily accessible by BellSouth. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

15. Please produce all documents that support, refer, relate, or pertain to the inclusion of limitation of liability language in your tariffs and/or end user contracts.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and thus unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further note that their tariffs are publicly available documents to which BellSouth has ready access. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

16. Please produce your tariffs and/or end user contracts that include limitation of liability language.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and thus unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further note that their tariffs are publicly available documents to which BellSouth has ready access. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

17. Please produce all documents that support, refer, relate, or pertain to any instance where a customer or end user rejected your request that he/she/it agree to liability provisions that are similar to BellSouth's liability provisions, as stated on Page 32 of the Testimony.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and thus unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object to this item on the grounds that it mischaracterizes the initial testimony in this case, and as such does not warrant a response. On the basis of these objections, Joint Petitioners will not produce any documents.

18. Regarding your statements on Page 32 of the Testimony, please produce all documents that support, refer, relate, or pertain to any instance where you have conceded limitation of liability language to "attract customers in markets dominated by incumbent providers."

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object to the item on the grounds that it mischaracterizes the initial testimony in this case, and as such does not warrant a response. On the basis of these objections, Joint Petitioners will not produce any documents.

19. Please produce all documents that support, refer, relate, or pertain to statement on Page 39 of the Testimony that “[a]s is more universally the case in virtually all other commercial-services contexts, the service provider, not the receiving party, bears the more extensive burden on indemnities given the relative disparity among the risk levels posed by the performance of each.”

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, work product doctrine, or other applicable privilege. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The testimony to which this item refers expresses the opinion of policy witnesses. On the basis of these objections, Joint Petitioners will not produce any documents.

20. Please produce all of your tariffs and/or end user contracts that contain indemnification language.

OBJECTION: Joint Petitioners object to this Request on the ground that it is duplicative of previous items in this set of discovery. Joint Petitioners also object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object on the ground that all tariffs are publicly available and readily accessible by BellSouth. Joint Petitioners also object that the indemnification terms contained in their service contracts with customers are irrelevant to this proceeding. On the basis of these objections, Joint Petitioners will not produce any documents.

21. Please produce all documents that support, refer, relate, or pertain to your statement on Page 44 of the Testimony that “BellSouth often is able to force carriers into heavily discounted, non-litigated settlements.”

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is

beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object on the ground that the terms of settlements are confidential and are in BellSouth's possession. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

22. Please produce all documents that support, refer, relate, or pertain to any instance where BellSouth included a rate in the rate sheet of an interconnection agreement that is not the rate approved by the Commission, as set forth on Page 498 of the Testimony.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also note that in this request BellSouth references testimony not found on the page number cited by the request and, therefore, Joint Petitioners object to the extent that the item is confusing and imprecise. Finally, Joint Petitioners object on the ground that BellSouth mischaracterizes the initial testimony, such that no response is warranted. On the basis of these objections, Joint Petitioners will not produce any documents.

23. Please produce all documents that support, refer, relate, or pertain to your statement on Page 53 of the Testimony that "[n]early all of the CLECs involved in this arbitration have had one bad experience or another with BellSouth using one of its Guides as controlling authority for an issue between the Parties instead of the Agreement."

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

24. Please produce all documents that support, refer, relate, or pertain to your statement on Page 56 of the Testimony that BellSouth's tariff changes are "inconsistent with the Agreement, or are unreasonable or discriminatory. . . ."

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, work product doctrine, or other applicable privilege. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The testimony to which this item refers expresses the opinion of policy witnesses. Joint Petitioners further object to this item on the grounds that it mischaracterizes the initial testimony in this case, and as such does not warrant a response. On the basis of these objections, Joint Petitioners will not produce any documents.

25. Please produce all documents that support, refer, relate, or pertain to your statement on Page 67 of the Testimony that retermination of circuits is "likely to be nothing more than a cross-connect."

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

26. Please produce all documents that support, refer, relate, or pertain to your statement on Page 67 of the Testimony that "[t]he CLPs are not disconnecting a service but rather are rearranging a service that cannot be maintained as currently offered under the Agreement."

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure.

Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

27. Please produce all documents that support, refer, relate, or pertain to your statement on Page 76 of the Testimony that “[a] minimum billing period of 30 days, 2 months, etc. . . would carry with it exclusive use right thereby inhibiting a customer’s ability to switch carriers as he or she wishes.”

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

28. Please produce all documents that support, refer, relate, or pertain to your statement on Page 85 of the Testimony that “dispatch charges significantly undercut Petitioners’ ability to compete effectively.”

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, work product doctrine, or other applicable privilege. The testimony to which this item refers expresses the opinion of policy witnesses. On the basis of these objections, Joint Petitioners will not produce any documents.

29. Please produce all documents that support, refer, relate, or pertain to the loss of or failure to acquire any end user or customer because of dispatch charges.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and thus unduly burdensome. Joint Petitioners further object to the extent that this item is additive, duplicative, and thus intended to harass or vex. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is

required under the Rules of Civil Procedure. Joint Petitioners further object to this item on the grounds that it mischaracterizes the initial testimony in this case, and as such does not warrant a response. On the basis of these objections, Joint Petitioners will not produce any documents.

30. Please produce all documents that support, refer, relate, or pertain to the dispatch charges that you charge your end users or customers.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and thus unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The amounts that Joint Petitioners charge their customers is not the subject of any issue in this arbitration. On the basis of these objections, Joint Petitioners will not produce any documents.

31. Please produce all documents that support, refer, relate, or pertain to your plans to deploy or use "Etherloop" or "G.HDSL Long" technologies, as described on Page 92 of the Testimony.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

32. Regarding Issue 2-23(D), please produce all documents that support, refer, relate, or pertain to the steps, measures, protections, procedures or other processes that you would use to access an "available pair."

Joint Petitioners note that Issue 2-23(D) has been resolved, and, therefore, a response to this request is not required.

reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object on the ground that all responsive information is in BellSouth's possession. On the basis of these objections, Joint Petitioners will not provide responsive information.

38. Please produce all documents that support, refer, relate, or pertain to your Testimony on Page 130-140 that you have experienced a global outage involving an entire trunk group.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further note that this item does not accurately cite to the relevant testimony, and is therefore confusing and imprecise. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

39. Please produce all documents that support, refer, relate, or pertain to your use of a root cause analysis to respond to customer inquiries regarding service outages or otherwise.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

40. Please produce all documents that support, refer, relate, or pertain to any policies you have regarding trunk group outages or other service outages, the advising customers as to service problems, "the steps taken to repair them and avoid their recurrence in the future," as set forth on Page 141 of the Testimony.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of

36. Please produce all documents that support, refer, relate, or pertain to any instance where you have been “mischarged for a Local Channel when an infra-office cabling scheme is used to connect their point-of-presence to the BellSouth switch,” as set forth on Page 135 of the Testimony.

Joint Petitioners note that Issue 3-1 has been resolved, and, therefore, a response to this request is not required.

37. Please produce all documents that support, refer, relate, or pertain to all instances in which BellSouth provided a root cause analysis to you.

OBJECTION: Joint Petitioners object to this Request to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Request to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object on the ground that all responsive information is in BellSouth’s possession. On the basis of these objections, Joint Petitioners will not provide responsive information.

38. Please produce all documents that support, refer, relate, or pertain to your Testimony on Page 130-140 that you have experienced a global outage involving an entire trunk group.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further note that this item does not accurately cite to the relevant testimony, and is therefore confusing and imprecise. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

39. Please produce all documents that support, refer, relate, or pertain to your use of a root cause analysis to respond to customer inquiries regarding service outages or otherwise.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

40. Please produce all documents that support, refer, relate, or pertain to any policies you have regarding trunk group outages or other service outages, the advising customers as to service problems, "the steps taken to repair them and avoid their recurrence in the future," as set forth on Page 141 of the Testimony.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

41. Regarding Issue 3-3, please produce all documents, including but not limited to contracts, tariffs, policies, statements, and training manuals, that address, relate, pertain, or refer to the back billing of customers.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object to this item on the ground that Joint Petitioners' tariffs are a matter of public record and are easily accessible by BellSouth. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

42. Please produce all documents that support, refer, relate, or pertain to any instance where you were unable to bill a customer or end user after 90 days.

OBJECTION: Joint Petitioners object to this Request to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Request on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object to the item on the grounds that it mischaracterizes the initial testimony in this case, and as such does not warrant a response. On the basis of these objections, Joint Petitioners will not provide BellSouth with responsive information.

43. Please produce all documents that support, refer, relate, or pertain to your statement on Page 145 of the Testimony that “there is a potential that BellSouth will pay third parties without carefully scrutinizing their bills and the legal bases therefore, and expect reimbursement from CLPs, for unjust termination charges.”

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

44. Please produce all documents that support, refer, relate, or pertain to any instance where BellSouth paid third parties without carefully scrutinizing its bills and then attempted to charge CLPs for these “unjustified termination charges,” as set forth on Page 145 of the Testimony.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object to this Request on the ground that it mischaracterizes the relevant testimony such that no response is warranted.

On the basis of these objections, Joint Petitioners will not produce any documents.

45. Please produce all documents that support, refer, relate, or pertain to any instance where BellSouth paid "third parties even when it has no contractual or other legal obligation to do so," as set forth on Page 145-146 of the Testimony.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object to this Request on the ground that it mischaracterizes the relevant testimony such that no response is warranted. On the basis of these objections, Joint Petitioners will not produce any documents.

46. Please produce all documents that support, refer, relate, or pertain to your statement on Page 147 of the Testimony that "[b]ecause factors reporting involves temporal measurements, it is more than likely that replacement factors created by BellSouth will not lend themselves to an apples-to-apples comparison."

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, work product doctrine, or other applicable privilege. The testimony to which this item refers expresses the opinion of policy witnesses. On the basis of these objections, Joint Petitioners will not produce any documents.

47. Please produce all documents that support, refer, relate, or pertain to your statement on Page 148 of the Testimony that "BellSouth has developed the TIC predominantly to exploit its monopoly legacy and overwhelming market power."

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor

reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object that this item seeks discovery of information protected by the attorney-client privilege, work product doctrine, or other applicable privilege. The testimony to which this item refers expresses the opinion of policy witnesses. On the basis of these objections, Joint Petitioners will not produce any documents.

48. Please produce all documents that support, refer, relate, or pertain to your statement on Page 163 of the Testimony that “[t]o the extent the Parties are carrying non-transit and non-interLATA Switched Access Traffic, the parties should proportionally split the recurring charges for trunks and associated facilities.”

Issue 3-13 has been resolved and therefore a response to this request is not required.

49. Please produce all documents that support, refer, relate, or pertain to the percentage of your traffic that consists of “non-transit and non-interLATA Switched Access Traffic.”

Issue 3-13 has been resolved, and, therefore, a response to this Request is not required.

50. Regarding your Testimony on Page 166, please produce all documents that support, refer, relate, or pertain to any instance where, after collocating in a BellSouth premise, you have been unable to “gain access to loops, transport, multiplexers, switch ports, optical terminations and the like.”

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object to this Request on the ground that it mischaracterizes the relevant testimony such that no response is warranted. On the basis of these objections, Joint Petitioners will not produce any documents.

51. Regarding Issue 6-2, please produce for the last 12 months all documents that support, refer, relate, or pertain to the number of CSRs you provided to BellSouth and the number of business days that elapsed between the date of receipt of a request for a CSR and the date you provided the CSR to BellSouth.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The interval in which BellSouth has processed CSR requests has no relevance to the matter being arbitrated in Issue 6-2. Joint Petitioners further object on the ground that responsive documents are in BellSouth's possession. On the basis of these objections, Joint Petitioners will not produce any documents.

52. Regarding Issue 6-4, please produce all documents that support, refer, relate, or pertain to any products and/or services that you have actually ordered or wish to order from BellSouth that you contend cannot be ordered electronically.

OBJECTION: Joint Petitioners object to this Request to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Request to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object on the ground that this question mischaracterizes the written testimony such that no response is required. On the basis of these objections, Joint Petitioners will not produce any documents.

53. For each such product or service identified in Request for Production No. 54, please produce all Local Service Requests ("LSRs") that you submitted to BellSouth for the last 12 months.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object on the ground that this item is unintelligible, as it

requests LSRs “identified in Request for Production No. 54,” an item which does not seek identification of LSRs. Joint Petitioners further object given that all information regarding CLP requests for LSRs is resident at Bellsouth. Joint Petitioners further object on the ground that responsive documents are in Bellsouth’s possession. On the basis of these objections, Joint Petitioners will not produce any documents.

54. Please produce all documents that support, refer, relate, or pertain to your statement on Page 201 of the Testimony that “NewSouth’s experience has been that a significant amount (we currently estimate 25%) of NewSouth’s facility orders have to be submitted manually because of address validation errors” and that “NewSouth has found BellSouth to be delinquent in updated address records.”

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

55. Regarding your Testimony on Page 201, please produce all LSRs that NewSouth had to submit manually because of address validation errors.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

56. Regarding Issue 6-6, please produce for the last 12 months all documents that support, refer, relate, or pertain to the number of CSRs you provided to BellSouth

and the number of business days that elapsed between the date of receipt of a request for a CSR and the date you provided the CSR to BellSouth.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The interval in which BellSouth has provided FOCs to Joint Petitioners bears no relevance to the matter being arbitrated in Issue 6-6. On the basis of these objections, Joint Petitioners will not produce any documents.

57. Regarding Issue 6-7, please produce for the last 12 months all documents that support, refer, relate, or pertain to the number of CSRs you provided to BellSouth and the number of business days that elapsed between the date of receipt of a request for a CSR and the date you provided the CSR to BellSouth.

OBJECTION: Joint Petitioners object to this Request on the ground that it is unintelligible, as Issue 6-7 does not regard the interval in which any party provides a CSR. Joint Petitioners also object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners further object to the extent that this item is additive, duplicative, and thus intended to harass or vex. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The interval in which BellSouth has provided order-related to Joint Petitioners bears no relevance to the matter being arbitrated in Issue 6-7. On the basis of these objections, Joint Petitioners will not produce any documents.

58. Regarding your statements on Page 211-212 of your Testimony, please produce all documents that support, refer, relate, or pertain to any efforts you have undertaken to develop your own OSS.

OBJECTION: Joint Petitioners object to this Request on the ground that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Request on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Petitioners' OSS development and present status are not relevant to the issue discussed at the referenced pages of testimony.

Based on these objections, the Joint Petitioners will not provide responsive information.

59. Please produce all documents that support, refer, relate, or pertain to any instance where you lost or were unable to acquire an end user or customer as a result of a requirement that the porting of the end user or customer to the CLP is contingent on either the CLP having an operating, billing and/or collection arrangement with any third party carrier, including BellSouth Long Distance or the customer or End User changing its PIC.

OBJECTION: Joint Petitioners object to this Request to the extent that it is vague, overly broad, and unduly burdensome. In addition, Joint Petitioners object to this Request to the extent that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object on the ground that this question mischaracterizes the written testimony such that no response is required. On the basis of these objections, Joint Petitioners will not produce any documents.

60. Regarding Issue 6-10, please produce all documents that support, refer, relate, or pertain to your statement on Page 216 of the Testimony that "mass migrations at most amount to bulk porting situations. . . ."

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

61. Please produce all documents that support, refer, relate, or pertain to your statement on Page 217 of the Testimony that "[t]oo many carriers already have faced too many obstacles to getting mass migrations accomplished by BellSouth in a reasonable manner."

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

62. Please produce all documents that support, refer, relate, or pertain to the specific steps and processes that you believe are needed to perform mass migration of customers.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners also object to this Request on the ground that it seeks information that is within the possession, custody and control of BellSouth, and that Joint Petitioners cannot reasonably be expected to know all the methods and procedures required for placing mass migration orders in BellSouth's OSS system to which Joint Petitioners have never had access. On the basis of these objections, Joint Petitioners will not produce any documents.

63. Please produce all documents that relate, address, apply, or refer to your allegations on Page 218 of the Testimony that Xspedius once attempted "to accomplish mass migration of several special access circuits to UNE loops."

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object on the ground that information regarding requests for mass migration is in BellSouth's possession. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

64. Regarding Issue 7-1, please produce all documents that support, refer, relate, or pertain to any instance in which you have billed BellSouth, another carrier, or end user for services rendered more than 90 days after the bill date on which those charges ordinarily would have been billed.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The information sought in this Request is not relevant to the matter being arbitrated in Issue 7-1. On the basis of these objections, Joint Petitioners will not produce any documents.

65. Please produce any tariffs or contracts that address, relate, refer or pertain to the back billing of services rendered.

OBJECTION: : Joint Petitioners object to this Request on the ground that it is duplicative of previous items in this set of discovery. Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Joint Petitioners further object on the ground that all tariffs are matters of public record and are readily accessible by BellSouth. On the basis of these objections, Joint Petitioners will not produce any documents.

66. Please produce all documents that support, refer, relate, or pertain to your statement on Page 229 of the Testimony that "[i]t is my understanding that the BFR/BNR process is a lengthy, expensive and typically unsatisfactory process."

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners

will be produced in accord with the discovery guidelines mandated by this proceeding.

67. Please identify all instances where you have used the BFR/BNR process with BellSouth.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to the extent that this item seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. Subject to and without waiving any objections, all non-privileged documents, if any, responsive to this request and in the possession of the Joint Petitioners will be produced in accord with the discovery guidelines mandated by this proceeding.

68. Produce all tariff provisions and/or end user contract provisions of the Joint Petitioners that relate, address, refer or pertain to late payment charges and applicable interest rates) for late payments.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to this item on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The terms under which Joint Petitioners bill and collect revenue from their customers is not the subject of, or relevant to, the arbitration of an interconnection agreement with an ILEC pursuant to Section 251. On the basis of these objections, Joint Petitioners will not produce any documents.

69. Produce all tariff provisions and/or end user contract provisions of the Joint Petitioners that relate, address, refer or pertain to the time period in which a customer must make a claim regarding any alleged billing errors.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to this item on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The terms under which Joint Petitioners bill and collect revenue from their customers is not the subject of, or relevant to, the arbitration of an

interconnection agreement with an ILEC pursuant to Section 251. On the basis of these objections, Joint Petitioners will not produce any documents.

70. Produce all tariff provisions and/or end user contract provisions of the Joint Petitioners that relate, address, refer or pertain to customer deposit requirements.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to this item on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The terms under which Joint Petitioners bill and collect revenue from their customers is not the subject of, or relevant to, the arbitration of an interconnection agreement with an ILEC pursuant to Section 251. On the basis of these objections, Joint Petitioners will not produce any documents.

71. Produce all tariff provisions and/or end user contract provisions of the Joint Petitioners that relate, address, refer or pertain to the Joint Petitioners' right to terminate service.

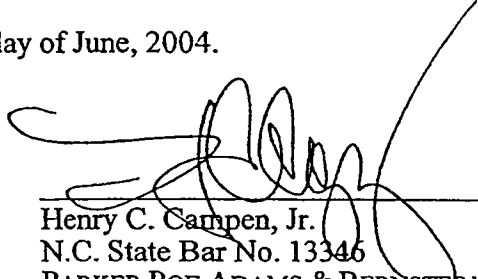
OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to this item on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The terms under which Joint Petitioners bill and collect revenue from their customers is not the subject of, or relevant to, the arbitration of an interconnection agreement with an ILEC pursuant to Section 251. On the basis of these objections, Joint Petitioners will not produce any documents.

72. Produce all tariff provisions and/or end user contract provisions of the Joint Petitioners that relate, address, refer or pertain to any minimum service period.

OBJECTION: Joint Petitioners object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. Joint Petitioners also object to this item on the ground that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, or is beyond the scope of what is required under the Rules of Civil Procedure. The terms under which Joint Petitioners bill and collect revenue from their customers is not the subject of, or relevant to, the arbitration of an

interconnection agreement with an ILEC pursuant to Section 251. On the basis of these objections, Joint Petitioners will not produce any documents.

Respectfully submitted, this 22nd day of June, 2004.



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Counsel for the Joint Petitioners

CERTIFICATE OF SERVICE

I, Henry C. Campen, Jr., do hereby certify that I have, on this 22nd day of June, 2004, caused to be served upon the following individuals, by hand delivery or electronic mail, a copy of the foregoing **JOINT PETITIONERS' OBJECTIONS TO BELL SOUTH TELECOMMUNICATIONS, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION**

:
By electronic mail:

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